

1

2

3

4

5

6

7

UNITED STATES DISTRICT COURT

8

FOR THE EASTERN DISTRICT OF CALIFORNIA

9

10 JOSEPH V. KAPUSTA,

NO. CIV. S-03-1232 LKK

11

Plaintiff,

12

v.

13

GALE CORPORATION,

14

Defendant.

15

/

16

On August 31, 2006, plaintiff filed a motion to strike to be heard on the court's October 10, 2006 Law and Motion calendar. On March 21, 2006, the court issued a pretrial scheduling conference order which explicitly states that:

20

21

22

All law and motion except as to discovery is left open, save and except that it shall be conducted so as to be completed by September 25, 2006. The word "completed" in this context means that all law and motion matters must be heard by the above date (emphasis supplied).

23

////

24

////

25

////

26

1 Consequently, plaintiff's notice of the motion to strike is
2 untimely and shall be disregarded by the court.

3 IT IS SO ORDERED.

4 DATED: September 6, 2006.

5
6 
7 LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26